

from the date of notification, the Director will determine the costs that the agency should reasonably have incurred.

(f) *Refunds.* (1) If the amount paid by a section 30(c) applicant under §4.302 exceeds the total amount of the cost statements submitted by fish and wildlife agencies under paragraph (a) of this section, the Commission will notify the Treasury to refund the difference to the applicant within 45 days from the date of the bill issued to the applicant under paragraph (b) of this section.

(2) If the amount paid by a section 30(c) applicant exceeds the amount determined to be reasonable by the Director pursuant to paragraph (d)(2) of this section, the Commission will notify the Treasury to refund the difference to the applicant within 45 days of the resolution of all dispute proceedings.

[Order 487, 52 FR 48404, Dec. 22, 1987, as amended by Order 647, 69 FR 32438, June 10, 2004]

§ 4.304 Payment.

(a) A payment required under this subpart must be made by check payable to the United States Treasury. The check must indicate that the payment is for *ECPA Fees*.

(b) If a payment required under this subpart is not made within the time period prescribed for making such payment, interest and penalty charges will be assessed. Interest and penalty charges will be computed in accordance with 31 U.S.C. 3717 and 4 CFR part 102.

(c) The Commission will not issue a license or exemption, unless the applicant has made full payments of any fees due under § 4.303(c).

§ 4.305 Enforcement.

(a) The Commission may take any appropriate action permitted by law if a section 30(c) applicant does not make a payment required under this subpart. The Commission will not be liable to any fish and wildlife agency for failure to collect any amounts under this subpart.

(b) If the Commission is unable to collect the full amount due by a section 30(c) applicant on behalf of more than one agency, the amount the Commission does collect will be distributed

to the agencies on a *pro-rata* basis except if an agency's cost statement is greater than its most recent estimate to the applicant under §4.301(b), then the difference between the estimate and the cost statement will not be reimbursed until any amounts owed to other agencies have been paid.

PART 5—INTEGRATED LICENSE APPLICATION PROCESS

Sec.

- 5.1 Applicability, definitions, and requirement to consult.
- 5.2 Document availability
- 5.3 Process selection.
- 5.4 Acceleration of a license expiration date.
- 5.5 Notification of intent.
- 5.6 Pre-application document.
- 5.7 Tribal consultation.
- 5.8 Notice of commencement of proceeding and scoping document, or of approval to use traditional licensing process or alternative procedures.
- 5.9 Comments and information or study requests.
- 5.10 Scoping document 2.
- 5.11 Potential Applicant's proposed study plan and study plan meetings.
- 5.12 Comments on proposed study plan.
- 5.13 Revised study plan and study plan determination.
- 5.14 Formal study dispute resolution process.
- 5.15 Conduct of studies.
- 5.16 Preliminary licensing proposal.
- 5.17 Filing of application.
- 5.18 Application content.
- 5.19 Tendering notice and schedule.
- 5.20 Deficient applications.
- 5.21 Additional information.
- 5.22 Notice of acceptance and ready for environmental analysis.
- 5.23 Response to notice.
- 5.24 Applications not requiring a draft NEPA document.
- 5.25 Applications requiring a draft NEPA document.
- 5.26 Section 10(j) process.
- 5.27 Amendment of application.
- 5.28 Competing applications.
- 5.29 Other provisions.
- 5.30 Critical Energy Infrastructure Information.
- 5.31 Transition provision.

AUTHORITY: 16 U.S.C. 791a-825r, 2601-2645; 42 U.S.C. 7101-7352.

SOURCE: Order 2002, 68 FR 51121, Aug. 25, 2003, unless otherwise noted.